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JERRY NEHL BOYLAN

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

JERRY NEHL BOYLAN,

Defendant.

Case No. 2:22-CR-00482-GW

**UNOPPOSED *EX PARTE*
APPLICATION TO CONTINUE
TRIAL**

Current Trial: July 11, 2023

Proposed Trial: September 26, 2023

Jerry Nehl Boylan, through his attorneys of record, Deputy Federal Public Defenders Georgina Wakefield, Gabriela Rivera, and Julia Deixler, hereby moves this Honorable Court *ex parte* for an order continuing trial from July 11, 2023 to September 26, 2023.

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This *ex parte* application is based upon the attached declaration of counsel, all files and records in this case, and such evidence and argument as may be presented at the hearing, if any, on the motion. The government is not opposed to this application.

Respectfully submitted,

CUAUHTEMOC ORTEGA
Federal Public Defender

DATED: May 8, 2023

By /s/ *Georgina Wakefield*

GEORGINA WAKEFIELD
GABRIELA RIVERA
JULIA DEIXLER
Deputy Federal Public Defenders
Attorneys for JERRY NEHL BOYLAN

DECLARATION OF COUNSEL

I, Georgina Wakefield, hereby state and declare as follows:

1. I am a Deputy Federal Public Defender in the Central District of California assigned to represent Jerry Nehl Boylan in the above-titled action. Trial is currently set for July 11, 2023.

2. By this application, the defense seeks to continue the trial date to September 26, 2023, and the pretrial conference to September 14, 2023. The government does not oppose this request, provided that this is the final continuance.

3. The following briefing schedule is also requested:

a. Motions (other than motions in limine): July 20, 2023

b. Oppositions: August 3, 2023

c. Replies: August 10, 2023

d. Hearing: August 24, 2023

4. The indictment in this matter was filed on October 18, 2022. On November 10, 2022, Mr. Boylan appeared on a summons, entered a plea of not guilty, and was released on bond.

5. On December 13, 2022, the Court entered an amended order continuing the trial date to July 11, 2023. This is the second request for a continuance.

6. Mr. Boylan is charged in a single-count indictment with a violation of 18 U.S.C. § 1115. The allegations stem from a fire on board the boat *Conception*, which resulted in the deaths of 34 people trapped on board.

7. To date the government has produced discovery comprising more than 1.2 million bates stamped items. The defense is still in the process of completing its review of the discovery and requires additional time to prepare for trial in this matter, which is estimated to last approximately two to three weeks.

8. The defense believes the requested continuance is necessary and appropriate given the need for further investigation and trial preparation, and in light of our other obligations in other cases.

1 9. I am scheduled to be in the following trials:

- 2 a. *USA v. Wolfe*, 22-CR-322-JFW, a single-defendant distribution of
3 fentanyl resulting in death; possession with intent to distribute
4 alprazolam trial scheduled for June 6, 2023, which is estimated to
5 last 4-5 days.
- 6 b. *USA v. Hernandez*, 22-CR-00584-SPG, a single-defendant
7 possession with intent to distribute controlled substances case
8 scheduled for August 8, 2023, which is estimated to last 2-3 days.
- 9 c. *USA v. Sadigh*, 15-CR-465-TJH, a multi-defendant securities fraud
10 trial scheduled for September 12, 2023, which is estimated to last 2-
11 3 weeks.

12 10. Ms. Rivera is scheduled to be in the following trials:

- 13 a. *United States v. Stella*, 21-CR-00338-GW, an internet-related
14 crimes case set for trial on May 16, 2023, which is estimated to last
15 3-4 days.
- 16 b. *United States v. Azimof*, 23-CR-00030-MWF, a bank fraud and
17 aggravated identity theft trial set for May 30, 2023, which is
18 estimated to last 2-3 days (counsel have filed a stipulation
19 requesting a trial continuance).
- 20 c. *United States v. Rosales Soto*, 20-CR-24-TJH, a two-defendant
21 possession of methamphetamine with intent to distribute trial
22 scheduled for August 22, 2023, which is estimated to last 2-3 days.

23 11. Ms. Deixler is scheduled to be in the following trials:

- 24 a. *United States v. Flores*, 22-CR-451-MEMF, a firearm and
25 possession of methamphetamine with intent to distribute trial
26 scheduled for June 19, 2023.

- 1 b. *United States v. Rosales Soto*, 20-CR-24-TJH, a two-defendant
2 possession of methamphetamine with intent to distribute trial
3 scheduled for August 22, 2023, which is estimated to last 2-3 days.
4 c. *United States v. Mneimne*, 22-CR-00364-DSF, a single-defendant
5 arms exportation trial scheduled for September 12, 2023.
6 d. *United States v. Rundo*, 18-CR-00759-CJC, a two-defendant Anti-
7 Riot Act trial scheduled for December 12, 2023.

8 12. For all of the foregoing reasons, defense counsel represents that failure to
9 grant the continuance would deny them reasonable time necessary for effective
10 preparation, taking into account the exercise of due diligence.

11 13. Further, Mr. Boylan believes that failure to grant the continuance will deny
12 him continuity of counsel and adequate representation.

13 14. Defense counsel have discussed the requested continuance with Mr.
14 Boylan and fully advised him of his speedy trial rights. Mr. Boylan understands those
15 rights and knowingly, voluntarily, and intelligently gives up his right to be brought to
16 trial by September 26, 2023.

17
18 I declare under penalty of perjury that the foregoing is true and correct to the best
19 of my knowledge.

20
21 DATED: May 8, 2023

By /s/ Georgina Wakefield

GEORGINA WAKEFIELD